

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**


Charles Kennedy,	:	
	:	
Plaintiff,	:	Case No. 3:08-cv-296
	:	
- vs -	:	District Judge Walter Herbert Rice
	:	Magistrate Judge Michael R. Merz
Department of the Air Force,	:	
	:	
Defendant.	:	

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #18), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that Plaintiff's First and Fourth Claims for Relief are dismissed without prejudice pursuant to Fed. R. Civ. P. 41; Plaintiff's hostile work environment claim is dismissed for lack of subject matter jurisdiction, except for the parking lot incident; and, Plaintiff's retaliation claim is dismissed without prejudice for failure to state a claim upon which relief can be granted.

April 22, 2009.



Walter Herbert Rice
United States District Judge